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PATENT

Attorney's Docket No. 8675-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Harris et al. Confirmation No: 8210
Appl. No.: 09/404,245 Group Art Unit: 1771
Filed: September 22, 1999 Examiner: J. Befumo
For: SPLITTABLE MULTICOMPONENT
ELASTOMERIC FIBERS

May 15, 2003

Mail Stop CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Handwritten signature and date: 5/29/03

**PRELIMINARY AMENDMENT
37 CFR § 1.115**

Please amend the above-identified application as follows:

In The Claims:

C 17. (Three times amended) A fiber bundle comprising a plurality of bulked drawn plastically deformed non-elastomeric microfilaments substantially surrounding and covering from view in an unstretched condition a plurality of elastomeric microfilaments that are shorter than and less bulky than said non-elastomeric microfilaments, said elastomeric and non-elastomeric microfilaments originating from a common multicomponent fiber having elastomeric and non-elastomeric components, wherein said elastomeric polymer has a solubility parameter (δ) sufficiently different from said non-elastomeric polymer so that said elastomeric component and said non-elastomeric component split upon thermal activation and further wherein the weight ratio of the non-elastomeric microfilaments within the fiber bundle is substantially identical to the weight ratio of the non-elastomeric component within the multicomponent fiber.

Cancel claim 22.



05-16-03

CPA/1700

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

**MAIL STOP CPA
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Attorney Docket No. 8675-5
(Of Prior Application)

First Named Inventor: Harris et al.

Examiner Name: J. Befumo

Group/Art Unit: 1771

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This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/404,245 filed on September 22, 1999, entitled SPLITTABLE MULTICOMPONENT ELASTOMERIC FIBERS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.
C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

05/19/2003 NMOHAMM1 00000047 09404245

01 FC:2006	375.00 OP
02 FC:2202	288.00 OP
03 FC:2201	210.00 OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	52 - 20 * =	32	x \$ 18 =	\$576
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	8 - 3** =	5	x \$ 84 =	\$420
	MULTIPLE DEPENDENT CLAIMS (if applicable)(37 CFR 1.16(d))			+ \$280 =	
	BASIC FEE (37 C.F.R. 1.16)				750.00
	Total of above Calculations =				\$ 1746.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$ 873.00
	* Reissue claims in excess of 20 and over original patent. **Reissue independent claims over original patent.				
	TOTAL =				\$ 873.00

☐ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-0605.
- a. ☒ Fees required under 37 CFR 1.16 (National filing fees).
- b. ☒ Fees required under 37 CFR 1.17 (National application processing fees).
8. ☒ A check in the amount of \$873.00 is enclosed.
9. ☐ Please charge the filing fee to Deposit Account No. 16-0605.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).
11. ☐ New Attorney Docket Number, if desired .
12. ☒ Return Receipt Postcard (specifically itemized)
☐ Receipt For Facsimile Transmitted CPA
13. ☒ Other:

In the event that extensions of time are not included with this communication in a separate paper and are necessary to allow the filing of this Continued Prosecution Application, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore is hereby authorized to be charged to Deposit Account No. 16-0605.

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

Customer Number 00826

15. SIGNATURE OF ATTORNEY/AGENT

NAME: Melissa B. Pendleton

Registration No. 35,459

SIGNATURE: _____



Customer No. 00826

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Date of Deposit: May 15, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Grace R. Rippy

